

***United States Court of Appeals
for the Second Circuit***



APPELLEE'S BRIEF

No 74-1012

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

----- X
LEON SEGAN, :
 :
Plaintiff-Appellant, :
 :
- against - :
 :
DREYFUS CORPORATION, et al., :
 :
Defendants-Appellees. :
----- X

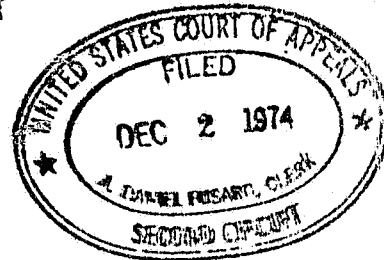
ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK

BRIEF OF DEFENDANT-APPELLEE
DREYFUS MARINE MIDLAND
MANAGEMENT CORP.

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Of Counsel:

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BRIEF OF DEFENDANT-APPELLEE DREYFUS
MARINE MIDLAND MANAGEMENT CORP.

Defendant Dreyfus Marine Midland Management Corp.
("Dreyfus Marine") joins in the Brief of Defendants-Appellees
Dreyfus Corporation, Stein, Johnson, Smerling and Greene, which
contains a clear and concise presentation as to why Plaintiff-
Appellant's amended complaint ("complaint") fails to meet the
requirements of Rule 9 (b) of the Federal Rules of Civil
Procedure. Dreyfus Marine agrees that the judgment of the
District Court dismissing the complaint should be affirmed
since, in the first instance, the complaint fails with regard
to all defendants to specifically identify - with one possible
exception - any of the fraudulent transactions alleged therein.

With regard to Dreyfus Marine, the unreasonable scope of this complaint is illustrated by reference to the allegations of paragraph 21 thereof in comparison with those contained in paragraph 25.

Paragraph 21 alleges that a breach of fiduciary obligations by Dreyfus Corporation and the individual Dreyfus defendants resulted in an award in 1970 to Dreyfus Marine of the management of a \$10,000,000 pension fund controlled by I.T.T. It is to be noted in this connection that it is nowhere alleged that Dreyfus Marine acted in any way to cause, encourage or abet any such breach on the part of the named defendants. In any event, the scope and breadth of the unspecified fraud may be seen by the allegations of paragraph 25 of the complaint, wherein it is charged that the wrongdoing of the defendants, other than the Dreyfus Fund, has resulted in the management of assets by Dreyfus Marine "which now aggregate in excess of \$200,000,000." It would appear, therefore, that in reality plaintiff's complaint intends to charge that each and every transaction under which Dreyfus Marine acquired an investment management account was tainted with fraud in some unspecified manner. Such pleading cannot be countenanced in light of the

requirements of Rule 9 (b) and the legal authorities construing that rule.

The judgment of the District Court should be affirmed.

Respectfully submitted,

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by mailing true copies of the same in properly addressed postpaid envelopes to said attorneys, this 2nd day of December, 1974.


Anthony Williams

CERTIFICATE OF SERVICE

The undersigned, an attorney duly admitted to practice law in the State of New York, hereby certifies that ~~1~~² true copies of the foregoing brief were duly served on:

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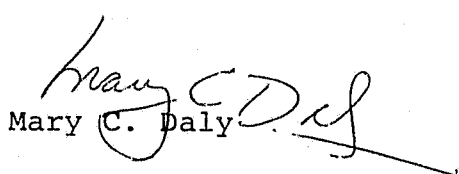
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